

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re:

Case No. 05-32151

Chapter 13

BRADLEY FITZGERALD BONNER and
LEKISHIA MARSHALL BONNER,

Debtors.

ORDER DISMISSING CASE

On October 4, 2006, the chapter 13 trustee filed a motion (Doc. #38) to dismiss the debtors' chapter 13 case for their failure to make plan payments as required. The debtors filed an objection to the trustee's motion (Doc. #39), and the matter was set for hearing on October 30, 2006.

At the October 30 hearing, the court ordered that the matter be continued to January 8, 2007, in order that the debtors' pay record could be observed.

At the January hearing, the trustee reported that the debtors had not made all plan payments as required since the October hearing. The debtors, through counsel, did not refute trustee's contention.

Further, the court notes that the feasibility of this plan has been suspect from the outset. In particular, the case was originally filed in July 2005, and the debtors' plan was confirmed in September 2005. Shortly thereafter, in December 2005, the trustee first moved to dismiss the case because of the plan payment defaults. As a result of that motion, the case was dismissed but later reinstated.

The court concludes that the debtors lack the ability to make plan payments as required, and hence, their plan is not feasible. Accordingly, it is

ORDERED that the trustee's motion to dismiss this chapter 13 case is GRANTED, and the case is hereby DISMISSED.

Done this the 8th day of January, 2007.

/s/ Dwight H. Williams, Jr.
United States Bankruptcy Judge.

c: Debtors
David Weston, Debtors' Attorney
Curtis C. Reding, Chapter 13 Trustee